

COMBINED DECLARATION, POWER OF ATTORNEY, and WRITTEN ASSENT OF ASSIGNEE

As the below named inventor, I hereby declare that:

This declaration is of the following type:

- original
- divisional
- continuation
- continuation-in-part
- reissue

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

“IMPLANTABLE NON-INVASIVE RATE-ADJUSTABLE PUMP”

The specification of which:

is attached hereto.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with 37 C.F.R. § 1.56.

PRIORITY CLAIM (35 U.S.C. §120)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number

641,363

Filing Date

April 30, 1998

Status — patented, pending, abandoned

U.S. Patent No. 5,820,589

REISSUE DECLARATION OF APPLICANT

I believe the original patent to be wholly or partly inoperative or invalid by reason of claiming less than I had a right to claim in the patent.

Specifically, I claimed subject matter that was less than that described in the original patent but not described in the art that existed prior to the effective filing date of the original patent. In particular, described in the original patent is the use of a plurality of valves or a network of restrictors (or a combination of both) to regulate the fluid flow from the fluid reservoir. This subject matter, not claimed in the original patent, is considered patentable over the prior art. Thus, the scope of the claims of the original patent is unduly narrow through errors in recognizing the true scope of the invention in view of the prior art. The reissue application overcomes these defects in the original patent.

All errors which are being corrected in the reissue application up to the time of filing of the reissue application arose without any deceptive intention on my part.

POWER OF ATTORNEY

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

as my Attorneys.

Jon O. Nelson	Reg. No. 24566	J. Pieter van Es	Reg. No. 37746
Sheldon W. Witcoff	Reg. No. 17399	Thomas K. Pratt	Reg. No. 37210
James V. Callahan	Reg. No. 20095	Tim C. Meece	Reg. No. 38553
Charles W. Shifley	Reg. No. 28042	Laura J. DeMoor	Reg. No. 39654
Mark T. Banner	Reg. No. 29888	Gregory J. Cohan	Reg. No. 40959
Peter D. McDermott	Reg. No. 29411	Binal J. Patel	Reg. No. 42065
Robert H. Resis	Reg. No. 32168	Scott A. Burow	Reg. No. 42373
Christopher J. Renk	Reg. No. 33761	William J. Klein	Reg. No. 43719
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Joseph P. Krause	Reg. No. 32578	Christopher P. Moreno	Reg. No. 38566
John P. Iwanicki	Reg. No. 34628		

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Thomas G. Berry	Reg. No. 31736
Kenneth J. Collier	Reg. No. 34982
Beth L. McMahon	Reg. No. 41987
Michael A. Jaro	Reg. No. 34472
Curtis D. Kinghorn	Reg. No. 33926
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Harold R. Patton	Reg. No. 22157
Girma Wolde-Michael	Reg. No. 36724
Thomas F. Woods	Reg. No. 36726
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Address all correspondence to BANNER & WITCOFF, LTD., 10 S. Wacker Drive, Chicago, Illinois 60606.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Nathan A. Torgerson

Inventor's signature: Nathan A. Torgerson Date: Oct 10, 2000
Residence: 1795 Cedar Avenue #5, White Bear Lake, MN 55110
Citizenship: USA 13618 Bittersweet St. NW, Andover, MN 55304 972
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Full name of second joint inventor, if any (given name, family name): Raymond F. McMullen

Inventor's signature: Raymond F. McMullen Date: 10 Oct 2000
Residence: 6055 Maple Leaf Circle, Shorewood, MN 55331
Citizenship: USA
Post Office Address: 6055 Maple Leaf Circle, Shorewood, MN 55331

WRITTEN ASSENT OF ASSIGNEE

Medtronic, Inc. is the Assignee of the entire right, title and interest in and to U.S. Patent No. 5,820,589, and hereby gives its written assent to this reissue application.

By: Shawna Smith
Title: V.P. Ch. of Patent Counsel
Date: Oct 10, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Nathan A. Torgerson

Inventor's signature: _____ Date: _____

Residence: 1795 Cedar Avenue #5, White Bear Lake, MN 55110

Citizenship: USA

Post Office Address: 1795 Cedar Avenue #5, White Bear Lake, MN 55110

Full name of second joint inventor, if any (given name, family name): Raymond F. McMullen

Inventor's signature: _____ Date: _____

Residence: 6055 Maple Leaf Circle, Shorewood, MN 55331

Citizenship: USA

Post Office Address: 6055 Maple Leaf Circle, Shorewood, MN 55331

WRITTEN ASSENT OF ASSIGNEE

Medtronic, Inc. is the Assignee of the entire right, title and interest in and to U.S. Patent No. 5,820,589, and hereby gives its written assent to this reissue application.

By: 
Medtronic, Inc.
Title: V.P. Chief Patent Counsel
Date: Oct 10, 2000